

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and

HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 165 OF 2005

AND

W.P.NO. 666 OF 2005.

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W.A.NO. 165 OF 2005:

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/01/2005 in WPMP.NO. 905 OF 2005 IN WP NO : 666 OF 2005 on the file of the High Court.)

Between:

Ch. Murali, S/o. Ch. Yadagiri,
R/o. Alair, Nalgonda District.

..... APPELLANT

AND

- 1 The Government of A.P. rep by its Principal Secretary,
Panchayat Raj Department, Secretariat, Hyderabad.
- 2 The District Collector (PW), Nalgonda.
- 3 The District Panchayat Officer, Nalgonda

.....RESPONDENTS

Counsel for the Appellant : MR.A.RAJASEKHAR REDDY

**Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL
DEV.**

WRIT PETITION NO : 666 of 2005

Between:

Ch. Murali, Ch. Yadagiri, Occ: Sarpanch,
R/o. Alair, Nalgond District.

..... PETITIONER

AND

- 1 The Government of A.P., rep. by its Prl. Secretary,
Panchayat Raj Department, Secretariat, Hyderabad.
- 2 The District Collector (PW), Nalgonda.
- 3 The District Pancyat Officer, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue preferably a writ in the nature of mandamus or any appropriate writ, declaring the Order dt. 02.11.2004 in G.O.Rt.No.1695 issued by respondent No.1 confirming the order dt. 21.08.2004 passed by 2nd respondent, as illegal, arbitrary, without jurisdiction in violation of principles of natural justice and against the provisions of Pancyayat Raj Act and direct the respondent to reinstate the petitioner as Sarpanch with immediate effect or pass such further or other order or orders.

Counsel for the Petitioner : MR.A.RAJASEKHAR REDDY

**Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL
DEV.**

The Court made the following :

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ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. Learned Government Pleader has handed over to us a copy of the order passed on 28.02.2005 by the District Collector (Panchayat Wing), Nalgonda, reinstating the petitioner – appellant as Sarpanch, Gram Panchayat, Alair, and allowing him to continue as full-fledged Sarpanch pending further enquiry into the charges leveled against him. In view of this order, nothing survives in this appeal, which is rendered infructuous and the same has been disposed of as such.

2. During the pendency of the writ petition, there is an order staying the recovery proceedings against the petitioner – appellant. We direct that the said order shall continue to remain in operation till the enquiry is concluded. On conclusion of the enquiry, appropriate orders in accordance with law will be passed and recovery proceedings will also be subject to the orders to be passed in those proceedings. Needles to say that the petitioner if he feels aggrieved by the orders to be passed, he can challenge those proceedings in accordance with law. No costs.

3. In view of the fact that order has now been passed by the District Collector revoking the suspension, no further orders need be passed in the writ petition, which stands disposed of. We also direct that enquiry proceedings be conducted uninfluenced by the intervening proceedings which have taken place after the writ petitioner was placed under suspension. No costs.

DEVINDER GUPTA. C.J.,

B. SESHASAYANA REDDY. J.,

Dated: 01.03.2005.

VRK.

To

- 1 The Principal Secretary to Government of A.P.,
Panchayat Raj Department, Secretariat, Hyderabad.
- 2 The District Collector (PW), Nalgonda.
- 3 The District Pancyat Officer, Nalgonda.
4. Two CCs to G.P. for Panchayat Raj & Rural Development, High Court
Buildings, Hyderabad.
5. Two CD copies

*Form-NIC-OGS/WA {**RLD**}*

*Form-NIC-OGS/WP{**JGK**}*

**HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.**

W.A.NO. 165 OF 2005

AND

W.P.NO. 666 OF 2005

**(Judgment of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 01.03.2005.